

# HB0196 — TRANSFER OF DOMESTIC VIOLENCE CASES

Data and assessment provided by the Administrative Office of the Courts  
As of June 8, 2023

**Generally speaking, how many DV-related cases are filed in justice courts each year?**

Approximately **6,600 DV-related justice court cases** are filed each year.

**Of those 6,600 cases, how many are typically set for trial in justice courts?**

Approximately **1,200 DV-related cases are set for trial** at some point during the justice court process. Although the vast majority (well over 95%) of these 1,200 cases are resolved short of actually going to trial (i.e., most of these cases still resolve through a plea bargain/dismissal/etc.), this number forms the ceiling of cases that are eligible to transfer to the district court for trial.

**How many cases have actually been transferred since July 1, 2022 (HB0196 effective date)?**

As of June 5, 2023, **179 DV-related cases have been transferred** to district court for trial under HB0196 since July 1, 2022 (approximately 15% of eligible cases).

**From which justice courts are cases most often being transferred?**

Justice Court			Cases			Justice Court			Cases		
1	South Jordan		25			11	West Valley		6		
2	Springville		22			12	Grand County		5		
3	Utah County		14			13	Carbon County		5		
4	Saratoga Springs		13			14	Wasatch County		4		
5	Iron County		12			15	South Salt Lake		4		
6	Salt Lake City		11			16	North Salt Lake		3		
7	Orem		10			17	Clearfield		3		
8	Vernal		8			18	Salt Lake County		2		
9	Logan		8			19	Payson		2		
10	Lehi		7			20	Pleasant Grove		2		

13 additional locations have one transferred case each. That means 33 out of 117 justice court locations have transferred at least one DV-related case to district court under HB0196.

**How long are cases pending in the justice court prior to being transferred to district court?**

Approximately **210 days elapse from initial filing in justice court until transfer** to district court. During this time, the parties are exploring whether it is possible to resolve the case short of setting the case for trial.

### For the subset of cases that go to trial in district court, how long does it take for trial to occur?

For transferred cases processed under HB0196 since July 1, 2022, it takes approximately **180 days after transfer for a district court trial to occur**. This means on average for a case filed in justice court to be resolved through a trial in district court takes approximately 390 days (210 days in justice court + 180 days in district court).

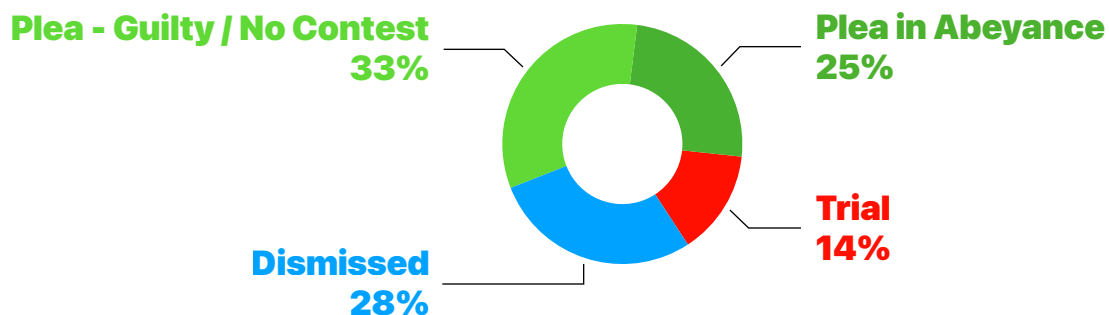
### How does that 390 days compare to the normal time to disposition for cases that remain in justice court?

- For **cases that go to trial** in justice court, the average time from filing to trial is approximately **330 days**.
- For **cases resolved without trial** in justice court (plea agreement/dismissal), the average time for case resolution is approximately **185 days**.

This means it can take anywhere from two to seven months longer to get to trial when a case is transferred to district court.

### How are transferred DV cases ultimately resolved in district court? Do the cases actually go to trial?

Of the 179 transferred cases, 87 (49%) have been resolved in district court; the remaining 51% are still pending in district court. Of the 87 resolved cases, here is the disposition breakdown:



**Table 1:** Disposition breakdown of DV-related cases transferred to district court for trial.

#### **Plea - Guilty / No Contest** and **Plea in Abeyance:**

58% of transferred cases are resolved through a plea bargain process in district court. No trial ever occurs. In other words, these cases transfer and incur administrative costs but result in the same outcomes available if the cases had simply remained in justice court.

#### **Dismissed:**

28% of cases are dismissed in the district court. The vast majority of these dismissals result from the unavailability of a victim/witness. A smaller subset of the dismissals — a single digit number of cases — result from a plea bargain involving multiple cases (i.e., plead guilty in Case A, and Case B will be dismissed).

#### **Trial:**

Approximately 12 transferred cases have been to trial in district court so far as a result of HB0196.

## Has HB0196-case-transfer had any effect on DV-related appeals from justice courts?

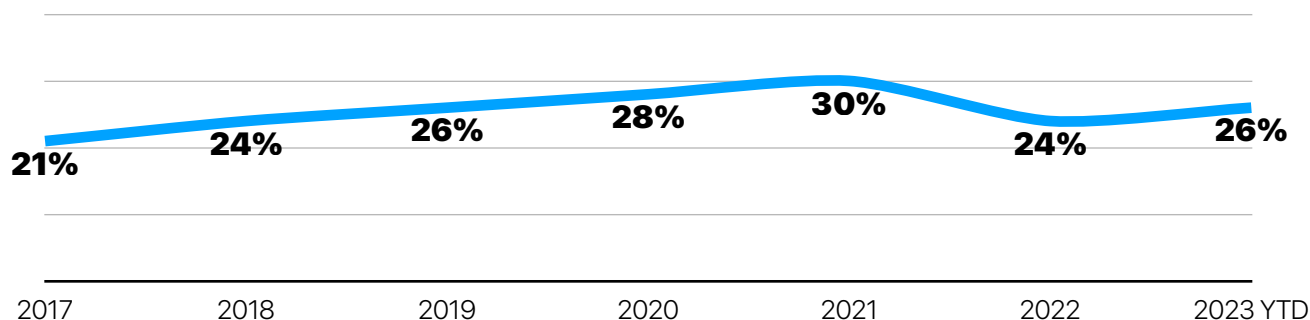
When a case is appealed from justice court, the appeal is filed in the district court. This type of appeal is called a "de novo" appeal because it results in the entire case being re-litigated from beginning to end as though the justice court case had never happened ("de novo" means "from the beginning").

The following table outlines the number of DV-related cases with de novo appeals filed each calendar year since 2017:

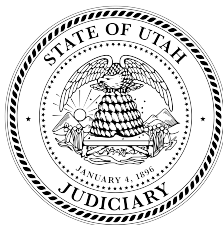
	2017	2018	2019	2020	2021	2022	2023YTD
Total Misdemeanor Appeals	439	363	371	143	192	231	100
DV-related Appeals	91	88	97	40	58	55	26
Percentage of Total	<b>21%</b>	<b>24%</b>	<b>26%</b>	<b>28%</b>	<b>30%</b>	<b>24%</b>	<b>26%</b>

**Table 2:** DV-related justice court cases resulting in de novo appeal CY2017-CY2023YTD (excludes DUI).

The relative percentage of de novo appeals that are DV-related has remained largely consistent since 2017, with a seven-year average of 25% of de novo appeals from misdemeanor justice court cases being DV-related.



**Table 3:** Percentage of DV-related misdemeanor de novo appeals CY2017-CY2023YTD (excludes DUI).



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